

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	19CR386(PKC)
Plaintiff,	:	
-against-	:	United States Courthouse
		Brooklyn, New York
MUSTAFA GOKLU,	:	
Defendant.	:	Tuesday, October 4, 2022
		9:00 a.m.

TRANSCRIPT OF CRIMINAL CAUSE FOR PRETRIAL CONFERENCE
BEFORE THE HONORABLE PAMELA K. CHEN
UNITED STATES DISTRICT JUDGE

APPARENCES:

For the Government: UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: GILLIAN KASSNER, ESQ.
MARIETOU E. DIOUF, ESQ.
FRANCISCO NAVARRO, ESQ.
Assistant United States Attorneys

For the Defendant: MURRAY E. SINGER, ESQ.
14 Vandeventer Avenue, Suite 147
Port Washington, New York 11050
SAHLI LAW PLLC
195 Broadway, 4th Floor
New York, New York 11211
BY: EMILIE SAHLI, ESQ.

Court Reporter: **SOPHIE NOLAN**
225 Cadman Plaza East/Brooklyn, NY 11201
NolanEDNY@aol.com

Proceedings recorded by mechanical stenography, transcript produced by Computer-Aided Transcription

Proceedings

265

1 (In open court.)

2 (The Hon. PAMELA K. CHEN, presiding.)

3 (Defendant present.)

4 THE COURT: Let me mention, the reason we're delayed
5 is because at least one juror, Alternate 1, had a real issue
6 with the 7 subway. Apparently it was smoking. So we told him
7 to take an Uber here which we will hopefully pay for. I will
8 pay for it if it comes down to it because we needed to get him
9 here today and I think another juror had a delay related to
10 the subway.

11 (Pause in proceedings.)

12 THE COURT: They're all here now. So I would say
13 Alternate No. 1 made a heroic effort to get here and called us
14 far in advance to let us know what the situation was. So,
15 that's a good sign. Nonetheless, we're a little bit delayed
16 today. We'll move expeditiously. The one thing I want to
17 address is I intend, before you play any audio recordings, to
18 give the cautionary instruction.

19 I do intend to give the cautionary instruction about
20 the edited recordings and this is what it will say in
21 substance: Members of the jury you are about to hear certain
22 audio are recordings that have been edited to eliminate
23 portions that are irrelevant to this case. Those portions do
24 not include conversations with Mr. Goklu. The fact that the
25 recording has been edited should not be of concern you in any

Proceedings

266

1 way.

2 Any objection to that?

3 MS. KASSNER: No objection.

4 MR. SINGER: No objection.

5 THE COURT: Just cue me whenever it is that you're
6 about to play the audio. I can do it before we resume today.
7 Does that make the most sense?

8 MS. KASSNER: Let's do that, Your Honor.

9 THE COURT: Okay.

10 (Jury enters.)

11 THE COURT: So, good morning, ladies and gentlemen.
12 Thank you for your heroic efforts of some of you to get here
13 today and my apologies to those who had to wait, but I know at
14 least one of our jurors experienced some real subway craziness
15 and -- and for those of us that have taken the subway, we all
16 know that that happens. And, so, Alternate No. 1, we thank
17 you because I know it was quite a hassle for you to get here
18 this morning and I'm glad you're safe because it sounds like
19 it was a bit of a somewhat hazardous-sounding situation.
20 We're glad you're safe.

21 And thank you everyone else for getting here on
22 time. We are going to resume with the testimony of
23 Mr. O'Kain.

24 MS. KASSNER: He's just outside the courtroom, Your
25 Honor.

0'Kain - direct - Kassner

267

1 THE COURT: And as he's approaching. I did want to
2 tell you, ladies and gentlemen, that you're going to hear
3 today certain audio recordings that have been edited to
4 eliminate portions that are irrelevant to this case. Those
5 portions do not include conversations with Mr. Goklu so the
6 fact that the recordings have been edited in this way should
7 not concern you in any way, all right?

8 I will remind you Mr. O'Kain you are still under
9 oath.

10 (Witness resumes the stand.)

11 THE COURT: Please have a seat.

12 PATRICK O'KAIN, having been previously duly sworn/affirmed,
13 testified as follows:

14 CONTINUED DIRECT EXAMINATION

15 BY MS. KASSNER:

16 Q When we left off yesterday, you were explaining that you
17 saw the user Mustangy on LocalBitcoins.com; is that right?

18 A Yes.

19 Q After you discovered Mustangy on LocalBitcoins.com what
20 if anything did you do next?

21 A Myself and the other special agent that was working the
22 case with me, started to communicate with Mustangy through an
23 application -- a telephone application called Signal.

24 Q What is Signal?

25 A Signal is an encrypted chat application for smartphones.

O'Kain - direct - Kassner

268

1 Q And how is Signal different, if at all, from a regular
2 text message?

3 A To the best of my knowledge, it is -- it just has
4 enhanced security and end-to-end encryption. I recall that
5 they did not have any -- the company or the entity that runs
6 Signal did not keep any records. So if the Government were to
7 subpoena them they wouldn't have any information to return.

8 Q And I believe earlier you mentioned that you were working
9 with another special agent at the DEA; is that right?

10 A That's correct.

11 Q Who is that person?

12 A Former Special Agent Allan Liefke.

13 Q And is it fair to say that you were working together on
14 your investigation of Mustangy?

15 A That's correct.

16 Q At this point did you know Mustangy's true identity?

17 A No.

18 Q When you reached out to Mustangy on Signal were you
19 operating undercover?

20 A Yes, I was.

21 Q And in dealing with the defendant generally, did you
22 assume a cover story?

23 A Yes.

24 Q What was your cover story?

25 A The cover story that I was operating under was that I was

O'Kain - direct - Kassner

269

1 an online drug dealer getting drug proceeds in the form of
2 Bitcoin that I needed to turn into cash.

3 Q Why did you assume the role of a narcotics dealer selling
4 drugs or buying drugs on the internet as opposed to a
5 street-level dealer?

6 A When you sell. --

7 THE COURT: We're going to pause for a moment --
8 thank you very much -- so that the young child could be
9 removed.

10 Start your answer again.

11 A When individuals sell drugs online, typically they
12 receive payment in some form of cryptocurrency and not cash;
13 versus if somebody is selling drugs on the street, typically
14 the payment is received in cash.

15 MS. KASSNER: Now, if we could please pull up just
16 for the witness what has been previously marked for
17 identification as Government Exhibits 501 through 507.

18 A I can see it.

19 Q It's a collection of exhibits.

20 (Exhibit published to witness only.)

21 Q Do you recognize Government Exhibits 501 through 507?
22 And I believe we're going through each exhibit one by one.

23 A That's correct.

24 Q Do you recognize these exhibits?

25 A I do.

0'Kain - direct - Kassner

270

1 Q What are they?

2 A These are photographs of the undercover phone that I was
3 using in the conversations with the defendant on the chat app
4 Signal.

5 Q Are Government Exhibits 501 through 507 a fair and
6 accurate depictions of screenshots of all the messages you
7 exchanged with the defendant on Signal from July 28 -- sorry,
8 from July 2018 through April 2019?

9 A I believe so, yes.

10 MS. KASSNER: Your Honor, at this time the
11 Government would move to admit Government Exhibits 501 through
12 507 and public 501 for the jury.

13 THE COURT: Any objection?

14 MR. SINGER: No, Your Honor.

15 THE COURT: 501 through 507 are admitted and you may
16 publish them.

17 (Government Exhibits 501 through 507 received in
18 evidence.)

19 (Exhibit published.)

20 BY MS. KASSNER:

21 Q So there are messages in light gray to the right. Who
22 sent those messages?

23 A I sent those messages.

24 Q And there are messages in dark gray to the left. Who
25 sent those messages?

O'Kain - direct - Kassner

271

1 A The defendant.

2 Q Beginning on July 11, 2018, can you read your messages
3 into the record from the top and I'll, in turn, read the
4 messages from the defendant?

5 A "Hey, Mustangy want to sell about 10K BTC? What's your
6 availability?

7 Q I'll be Queens tomorrow. What is your location?

8 A Manhattan. I'm out of town until next week though. Just
9 didn't know how much advance notice you wanted.

10 Q Text me when coming, mostly will cover.

11 A Okay, thanks.

12 Q You are welcome."

13 So, very briefly, what is BTC?

14 A BTC is the shorthand for Bitcoin.

15 Q What is 10K?

16 A 10K is 10,000. So that is saying I want to sell \$10,000
17 worth of Bitcoin.

18 Q And at a high level what's going on in this back and
19 forth?

20 A This is the beginning of setting up a meeting between
21 myself and the defendant to exchange \$10,000 worth of Bitcoin
22 for cash.

23 Q Turning to page two of Government Exhibit 501, beginning
24 on August 27, 2018 at 12:34 p.m. can you read your messages
25 and I'll read the defendant's messages?

O'Kain - direct - Kassner

272

1 A "Hi. Are you still available? I have to sell 5-K BTC
2 tomorrow.

3 Q If sharp, I might be around midtown. Let me know.

4 A I can do midtown. What time? Are we good for tomorrow?
5 I'll be in midtown around 1."

6 Q What does 5K mean here?

7 A \$5,000 worth of Bitcoin.

8 Q Turning to page three, can you continue reading your
9 messages, beginning after Mustangy says:

10 "Yes after 8 a.m. to maybe noon, how much you want?

11 A Okay. Let's do noon. Can you do just 5K tomorrow?

12 Q Yes, okay.

13 A Cool."

14 Q And turning to page four, just jumping ahead.

15 A Four?

16 Q Yes. On August 28th at 11:01 a.m. you write:

17 "Hello. Are we still on for today?"

18 How does the defendant respond?

19 A The defendant writes:

20 "Yes, I am at midtown, 55, 55 Street and Seventh."

21 Q And skipping ahead to page eight?

22 THE COURT: I think you said 11:01. Didn't it say
23 10:01? You didn't say that she said that. I want to be sure
24 you're looking at the same messages.

25 MS. KASSNER: Apologies, 10:01 a.m. That's correct,

1 Your Honor.

2 THE COURT: Go ahead.

3 BY MS. KASSNER:

4 Q And if we could skip ahead to page eight. The defendant
5 writes at four -- it's hard -- the defendant writes on this
6 date:

7 "Can we meet at 54th and Seventh at 4:10 because I
8 have to be at London Hotel at 4:30. Can you read your
9 messages?

10 A Yeah. Where do you want to meet?

11 Q 54th and Seventh Avenue northeast corner?

12 A Heading there now.

13 Q Okay. Let me when here.

14 A Here."

15 Q What, if anything, happened after you wrote "here" at
16 4:16 p.m. on August 28, 2018?

17 A So, at that time I was in a government unmarked vehicle
18 and when I wrote "here" I was in the area and I got out of the
19 vehicle across the street and met with the defendant at the
20 54th Street/Seventh Avenue location.

21 Q Prior to that date had you ever encountered the defendant
22 in person?

23 A No.

24 MS. KASSNER: And if we could pull up just for the
25 witness Government Exhibit 302. Do you recognize the area

0'Kain - direct - Kassner

274

1 shown in Government Exhibit 302?

2 (Exhibit published to witness only.)

3 A Yes.

4 Q What is that area?

5 A This is an aerial image of Manhattan and the area in
6 which me and the defendant met.

7 MS. KASSNER: At this time the Government would move
8 to admit Government Exhibit 302 into evidence and publish it.

9 THE COURT: Any objection?

10 MR. SINGER: No, Your Honor.

11 THE COURT: All right. Government Exhibit 302 is
12 admitted.

13 (Government Exhibit 302 received in evidence.)

14 THE COURT: And you may publish.

15 (Exhibit published.)

16 BY MS. KASSNER:

17 Q For the record, can you point out for the jury where you
18 met the defendant on August 28, 2018?

19 A Right at the red dot. I'm not sure the jury can see that
20 from there, but there's a red dot in the middle of the map
21 there.

22 Q Are you generally familiar with the neighborhood around
23 54th Street and Seventh Avenue in Manhattan?

24 A I am, yes.

25 Q How would you describe that neighborhood?

0'Kain - direct - Kassner

275

1 A It's very commercial, lots of highrises, busy, a lot of
2 shops on the street corners, a lot of people and this was
3 summertime so it was a sunny day.

4 Q Were any other members of the DEA present on the day when
5 you met the defendant?

6 A Yes. There were several members of the DEA in the area.

7 Q What were they doing?

8 A They were on surveillance. They were on the surveillance
9 team. I kind of referenced that yesterday. They were there
10 to observe the meeting and make sure that I was safe.

11 Q Was your transaction with the defendant recorded?

12 A It was recorded through audio.

13 Q Why wasn't it recorded by video?

14 A It's -- it was often challenging to record things through
15 video and when you're in an undercover capacity especially
16 you're not controlling the environment. So oftentimes you
17 have to have some sort of camera on your person. I already
18 had two cellphones and a listening device and this being the
19 first time that I was meeting the defendant, I had no idea who
20 he was and I didn't know if there was any safety concerns. So
21 having more devices seemed outside of my comfort zone.

22 MS. KASSNER: If I could just approach very briefly,
23 Your Honor?

24 THE COURT: Yes, you may.

25 (Counsel approaches.)

0'Kain - direct - Kassner

276

1 BY MS. KASSNER:

2 Q I just handed you a CD that's been marked Government
3 Exhibit 801 through 809. Are you familiar with these
4 exhibits?

5 A Yes.

6 Q What are they?

7 A These are audio recordings of the meetings that I had
8 with the defendant.

9 Q How do you recognize them?

10 A I listen to the CD and after confirming that the audio
11 recordings were on this disk, I signed it and dated it.

12 MS. KASSNER: Your Honor, the Government would move
13 to admit Government Exhibits 801 through 809 into evidence.

14 THE COURT: Any objection?

15 MR. SINGER: No, Your Honor.

16 THE COURT: Government Exhibits 801 through 809 are
17 admitted.

18 (Government Exhibits 801 through 809 received in
19 evidence.)

20 THE COURT: And you may publish them to the jury.

21 (Exhibit published.)

22 BY MS. KASSNER:

23 Q Okay. Beginning with Government Exhibit 801, so,
24 everyone should that I have transcripts in the binders that
25 they have in front of them. And, so, the transcripts are

0'Kain - direct - Kassner

277

1 going to be marked 801R which is where we're going to begin.

2 It's, I believe, the first tab in everyone's binders.

3 MR. SINGER: Your Honor, could we explain to the
4 jury that R is simply a portion of --

5 THE COURT: I thought I did that already, but --

6 MR. SINGER: On the transcripts, not about the
7 recordings.

8 THE COURT: All right. I think the transcripts
9 reflect the edited recordings and furthermore, as I understand
10 it, the Government is only going to play a portion of the
11 entire recording. Even as to the edited portion, I think the
12 Government is still playing a smaller portion of that edited
13 recording. Obviously the parties and you will have available
14 to you the full recording, but for now the Government wants to
15 focus on certain portions.

16 Am I correct?

17 MS. KASSNER: That's correct, Your Honor. Thank
18 you.

19 THE COURT: All right.

20 MS. KASSNER: If we could play from timestamp 1:45
21 to timestamp 2:47.

22 (Audio played; audio paused.)

23 Q How does the defendant introduce himself to you?

24 A As Michael.

25 Q How do you introduce yourself?

1 A As Pat.

2 Q Where are you during this portion of the conversation
3 with the defendant?

4 A We are on the street corner, the northeast corner of 54th
5 and Seventh outside of a black Mercedes sedan.

6 Q And at some point do you get into the car?

7 A Yes. After we introduce each other, we both get into the
8 car.

9 Q You ask here -- you ask here, "Where is it" and then the
10 defendant responds "this one," and you respond "you got too
11 much of that lying around. Is this it?"

12 What are you and the defendant talking about here?

13 A So, when I got into the vehicle, the defendant opened the
14 center console and inside of the console there were multiple
15 bundles of cash. And that discussion is me trying to identify
16 which one is destined for me and so I picked up one and the
17 defendant said that that's not the right one so I went to
18 another one and he said that wasn't it either and then
19 identified the right one for me.

20 Q The defendant instructs you -- the defendant says, "Close
21 the door, man. We're not drug dealers. We're buying
22 Bitcoin."

23 What did you understand that to mean?

24 MR. SINGER: Objection, Your Honor. It's irrelevant
25 to what he believed.

1 THE COURT: Overruled.

2 A I opened the door because I didn't know who the defendant
3 was and if there were any safety concerns. Then the defendant
4 asked me to close the door and said, close the door, man, the
5 cops, we're not drug dealers. We're buying Bitcoin. So I
6 think what was interesting to me --

7 MR. SINGER: Objection, what was interesting, Judge.

8 THE COURT: Overruled, overruled.

9 A -- was that on our first encounter the defendant was
10 concerned about being identified by the cops. That stood out
11 as something notable, something that was notable to me at the
12 time.

13 MS. KASSNER: If we could play from 2:47 to 3:23.

14 (Audio played/audio paused.)

15 Q The defendant here says, "If it too much, I have
16 machine." What did you understand that to mean?

17 A I understood the machine to be a reference to the money
18 counter.

19 Q And what is going on during this section of the
20 recording?

21 A I recall that we're getting ready to count the currency
22 or in the early stages of counting the currency from the
23 bundle of cash that we were going to transact with.

24 MS. KASSNER: Moving ahead, if we could play from
25 4:30 to 5:35.

0'Kain - direct - Kassner

280

1 (Audio played/audio paused.)

2 Q What are you and the defendant discussing here?

3 A So, initially, again, so we're starting to coordinate how
4 much Bitcoin for cash the -- we're going to exchange, less the
5 fees that the defendant was charging. So, when the -- I asked
6 the defendant what do you charge and he said 8, and 8 was a
7 reference to the percent of the total transaction that he was
8 charging for the service that he was providing.

9 Q You respond, "You charge at 8 percent, all right. That's
10 high." Why did you say that?

11 A A couple of reasons. One, 8 percent is quite high --

12 MR. SINGER: Judge, I object to this. Again,
13 relevance. His thinking not relevant.

14 THE COURT: Overruled.

15 A 8 percent is quite high considering you can go to a
16 commercial exchange for significantly less, most often under 2
17 percent and then also in my experience doing undercover work,
18 it's very rare that there's not a negotiation of the fees.

19 Q Can you explain to the jury how you actually transferred
20 your Bitcoin to the defendant?

21 A Sure. In this instance and often if you're doing a
22 peer-to-peer Bitcoin transaction, you have an application on
23 your cellphone, a cryptocurrency wallet. When you want to
24 send cryptocurrency to somebody else, you can use a QR code.
25 You can scan a QR code. A QR code are those little square

1 codes often found on restaurant tables now for menus.

2 So I would open up my cryptocurrency wallet. The
3 defendant would open up his cryptocurrency wallet and his QR
4 code. I would pull up the amount I wanted to send to this to
5 his QR code and that would populate the recipient's address in
6 my phone. I would hit Bitcoin send and that would go to his
7 Bitcoin address through the block chain.

8 MS. KASSNER: If we could play from 8:30 to 9:33.

9 (Audio played/audio paused.)

10 Q At the very beginning of this segment, when you ask, "How
11 much can you do at one time," the defendant answers "50."
12 What did you understand 50 to mean?

13 A 50,000.

14 Q And then the defendant later says -- you asked, "Are you
15 in Manhattan here," and the defendant says, "I don't want to
16 come here. You know these fucking malls all have the
17 cameras." And then he says, "That's the other one -- that's
18 the other one that has cameras 2, 3, 5. They call me, hey,
19 are you a drug dealer, no."

20 What did you understand that to mean?

21 A I understood that the defendant was concerned about the
22 cameras seeing what he was doing and I interpreted that that
23 he was aware that there was something not aboveboard that he
24 was doing --

25 MR. SINGER: Objection, Judge. Again, he's not in a

1 position --

2 THE COURT: Overruled, overruled. Mr. Singer,
3 overruled.

4 A And he indicated that they had called him before so that
5 indicated to me that this was not the first time that he's
6 done a transaction like this.

7 Q And later the defendant says, "But it's Manhattan but I
8 bring the machine. It's another risk, the machine." And then
9 later he says, "The fucking thing is evidence that you're a
10 drug dealer."

11 What did you understand him to be talking about
12 here?

13 A I understood that he was referencing the money counter
14 again and then him -- the possibility of him being caught with
15 the money counter by law enforcement -- they would assume he
16 was a drug dealer if law enforcement saw him driving around
17 with a money counter in his car.

18 MS. KASSNER: If we could play from timestamp from
19 9:43 to 10:12.

20 (Audio played/audio paused.)

21 Q You asked for a bag here. What did you do that?

22 A I wanted somewhere where I could put the bundles of money
23 he gave to me after the transaction because I had to walk
24 through Manhattan back to the undercover -- well, the agent
25 that was going to pick me up and take me out of the area and I

0'Kain - direct - Kassner

283

1 didn't want to walk around with just a bunch of cash
2 throughout Manhattan.

3 MS. KASSNER: If we could play from 10:57 to 11:23.

4 (Audio played/audio paused.)

5 Q The defendant here talks about making sure, using the
6 machine -- "So I make sure because I'm getting -- I'm getting
7 money from somewhere, something bad. Who knows."

8 What did you understand that to mean?

9 MR. SINGER: Can I have a continuing objection?

10 THE COURT: Yes. You may note the continuing
11 objection. Overruled.

12 MR. SINGER: Thank you.

13 A The defendant was telling me how the money counter works
14 and when he was -- when he stated that he's getting money from
15 somewhere, something bad, I understood that to mean that he
16 does this frequently and he is aware of him interacting with
17 potentially bad people doing bad things. That's how I
18 understood it.

19 MS. KASSNER: If we could play from 11:24 to 12:30.

20 (Audio played; audio paused.)

21 Q At the end you say, "Okay out of the car walking
22 northbound on Seventh." Who are you speaking to then?

23 A I was speaking to the agents that were on surveillance.
24 So not only did my listening device record, but it also
25 transmitted live. So I was talking to the other agents that I

1 knew could hear me.

2 Q What's going on during the segment of the recording that
3 we just listened to?

4 A We were starting to set up a potential next meet
5 together.

6 Q For how much -- how much Bitcoin?

7 A So, \$50,000 worth of Bitcoin.

8 Q You mentioned during the segment -- you say, "I have an
9 online business so I'm getting money in."

10 Why do you say that?

11 A Because my undercover story was to be an online drug
12 dealer. That was the first part of me setting the stage to
13 unfold that story as the defendant and I continued our
14 meetings and transactions.

15 Q During your first meeting with the defendant, do you
16 mention drugs?

17 A No.

18 Q Why not?

19 A It would be completely out of character for two
20 individuals to meet and if one of them is a drug dealer to
21 divulge the fact that they're a drug dealer during a first
22 encounter. In my experience in the DEA that never happened.
23 In fact, drugs are -- the real names for drugs are rarely, if
24 ever, used when you're selling drugs.

25 Q Did you keep a record of the Bitcoin you transferred to

0'Kain - direct - Kassner

285

1 the defendant?

2 A Yes.

3 MS. KASSNER: If we could show just the witness
4 Government Exhibits 1 through 5 and Government Exhibit 7 and
5 we'll show them to you one by one on your screen.

6 (Exhibit published to witness only.)

7 Q Do you recognize Government Exhibits 1 through 5 and 7?

8 A Right now we're just scrolling through the exhibits.

9 Yes, I recognize these.

10 Q What are Government Exhibits 1 through 5 and Government
11 Exhibit 7?

12 A These are photographs of the transaction receipts from
13 our undercover cryptocurrency wallet.

14 MS. KASSNER: At this time the Government would move
15 to admit Government Exhibits 1 through 5 and 7 into evidence.

16 THE COURT: Any objection?

17 MR. SINGER: No, Your Honor.

18 THE COURT: All right. 1 through 5 and 7 are
19 admitted.

20 (Government Exhibits Exhibit 1 through 5 and 7
21 received in evidence.)

22 THE COURT: And you may publish them to the jury.

23 MS. KASSNER: If we could publish Government Exhibit
24 7, please.

25 (Exhibit published.)

0'Kain - direct - Kassner

286

1 Q So if you could just repeat what this is, Government
2 Exhibit 7?

3 A This is a photograph of the receipt that the
4 cryptocurrency wallet that we were using offers after you make
5 a transaction with cryptocurrency.

6 Q There's a section that says to -- well, I'll ask how much
7 Bitcoin did you actually exchange?

8 A So, the top series of numbers .70453034 BTC. That is the
9 amount of Bitcoin that I sent to the defendant.

10 Q And there's a section that says "To" and a string of
11 letters and numbers. What is that?

12 A That is called a public address and that is essentially
13 the identifier to somebody's wallet, so almost like a bank
14 account number, I guess, but it's a series of letters and
15 numbers and that's tied to, in this case, the defendant's
16 wallet address.

17 MS. KASSNER: If we could just show the witness
18 Government Exhibits 602 and 607 through 614.

19 Q And we'll show them to you one at a time and then I will
20 ask you if you recognize them. So just let us know when
21 you're finished looking at them.

22 (Exhibit published to witness only.)

23 A (Reviewing.)

24 Q Do you recognize Government Exhibits 602 and 607 through
25 614?

1 A I do.

2 Q What are they?

3 A They are photographs of the cash that I received from my
4 transactions with the defendant.

5 MS. KASSNER: At this time the Government would move
6 to admit Government Exhibits 602 and 607 through 614 into
7 evidence.

8 THE COURT: Any objection?

9 MR. SINGER: No.

10 THE COURT: They're admitted.

11 (Government Exhibits 602 and 607 through 614
12 received in evidence.)

13 THE COURT: You may publish.

14 MS. KASSNER: 614.

15 (Exhibit published.)

16 Q What is Government Exhibit 614?

17 A This is a photograph of the cash that I received from the
18 defendant I believe on that first -- following that first
19 transaction.

20 Q What did you do with the cash after you received it from
21 the defendant?

22 A After we took photographs, and scanned it in to record
23 the serial numbers, we would give all of the currency to the
24 DEA's high-value custodians and then that unit of the DEA
25 handles it according to their procedures but as agents that

0'Kain - direct - Kassner

288

1 seized money off of -- during an investigation, that's the
2 process where we give it to the DEA's high-value team.

3 Q Is that consistent with the DEA's normal practices and
4 procedures?

5 A Yes.

6 Q After your interaction on August 28, 2018, did you
7 ultimately determine Michael's legal name?

8 A Yes, we did.

9 Q How did you do that?

10 A I believe it was through his license plate on his car
11 which was GOKLU. We ran the license plate into DMV records to
12 identify his true identify.

13 MS. KASSNER: If we could pull up a photograph
14 marked as Government Exhibit 601, just for the witness.

15 (Exhibit published to witness only.)

16 Q Do you recognize Government Exhibit 601?

17 A Yes, I do.

18 Q What is it?

19 A This is the photo of the defendant that I believe was on
20 file with the DMV.

21 MS. KASSNER: The Government would move to admit
22 Government Exhibit 601 into evidence.

23 THE COURT: Any objection?

24 MR. SINGER: No.

25 THE COURT: All right. 601 is admitted.

0'Kain - direct - Kassner

289

1 (Government Exhibit 601 received in evidence.)

2 THE COURT: And you may publish it.

3 (Exhibit published.)

4 BY MS. KASSNER:

5 Q Is this photo consistent with how the defendant appeared
6 when you met him in 2018?

7 A Yes.

8 MS. KASSNER: If we could pull up for the witness
9 Government Exhibit 604.

10 (Exhibit published to witness only.)

11 BY MS. KASSNER:

12 Q Do you recognize Government Exhibit 604?

13 A I do.

14 Q What is it?

15 A This is a surveillance photo of the defendant standing
16 outside of his vehicle, the black Mercedes sedan that I
17 referenced.

18 MS. KASSNER: The Government moves to admit
19 Government Exhibit 604 and to publish it to the jury.

20 THE COURT: You may. Did you want to establish a
21 date or did he say?

22 BY MS. KASSNER:

23 Q Is this a fair and accurate depiction of the car the
24 defendant was driving and the defendant as he appeared in
25 2018?

0'Kain - direct - Kassner

290

1 A Yes.

2 THE COURT: Just the year 2018?

3 Q In August 2018?

4 A Yes.

5 THE COURT: All right. Any objection?

6 MR. SINGER: No, Your Honor.

7 THE COURT: 604 is admitted.

8 (Government Exhibit 604 received in evidence.)

9 THE COURT: And you may publish it.

10 (Exhibit published.)

11 BY MS. KASSNER:

12 Q Is this same car where you met the defendant in 2018 and
13 2019?

14 A Yes, that appears to be the same car.

15 MS. KASSNER: At this time may I approach, Your
16 Honor?

17 THE COURT: Yes, you may.

18 (Counsel approaches.)

19 Q I just handed you a box within which is Government
20 Exhibit 1003, which has already been admitted into evidence.
21 If you could just open the box and take out the item inside
22 the box. Do you recognize Government Exhibit 1003?

23 A I do.

24 Q What is it?

25 A This is a money counter and the money counter that was in

0'Kain - direct - Kassner

291

1 the defendant's car.

2 MS. KASSNER: May I approach again?

3 THE COURT: Yes, of course.

4 (Counsel approaches.)

5 MS. KASSNER: Your Honor, would it be possible to
6 just allow the jurors to see the money counter?

7 MR. NAVARRO: I will hand it to Juror 1 --

8 And if you can pass it down.

9 THE COURT: All right.

10 (Counsel approaches.)

11 MS. KASSNER: Your Honor, I can continue questioning
12 or I can pause.

13 THE COURT: I would pause just to make sure you have
14 all the jurors' attention.

15 MS. KASSNER: Thank you, Your Honor.

16 THE COURT: Go ahead.

17 BY MS. KASSNER:

18 Q Did you have any further interactions with the defendant
19 after August 28, 2018?

20 A Yes, I did.

21 Q How did you communicate with the defendant?

22 A Through the Signal app.

23 MS. KASSNER: If we could pull up what's previously
24 been admitted as Government Exhibit 502 for the jury.

25 THE COURT: You may.

0'Kain - direct - Kassner

292

1 (Exhibit published.)

2 BY MS. KASSNER:

3 Q So, turning to page -- the first page of Government
4 Exhibit 502, can you read your messages with the defendant
5 that occurred on September 17, 2018 starting at 5:47 p.m. and
6 I'll read the messages from the defendant.

7 A "Hey you around this week?

8 Q Wednesday.

9 A Okay. What time works for you? And we have about
10 7,500?"

11 Q We can pause there. If we can turn to page two. And I
12 will start by reading the messages from the defendant in the
13 second half of the page on Thursday, September 20th.

14 "Hi. At Queens now. If early is better I can meet
15 you at Queens tonight, Star" -- and then there's an address
16 for Starbucks at 46 Queens Boulevard in Sunnyside, Queens, New
17 York. And if we could turn to page three to see your
18 response.

19 THE COURT: Just so the record is clear, visually
20 the dark messages sort of shaded in black are the defendant's.

21 Correct?

22 MS. KASSNER: Yes, Your Honor.

23 THE COURT: Because as you read them, it's helpful
24 to point that out so people know where you're reading from.

25 MS. KASSNER: Yes, Your Honor.

0'Kain - direct - Kassner

293

1 THE COURT: Okay, go ahead.

2 BY MS. KASSNER:

3 Q So after the defendant at the top sends that Starbucks
4 address, how do you respond at 5:21 p.m.?

5 A I write:

6 "I don't know if I can make it out there tonight.
7 Can you do tomorrow morning like 11?"

8 Q If we can keep scrolling to the next page, page four of
9 Government Exhibit 502. In the middle of the page on Friday
10 September 21, 2018, can you read your message starting at
11 12:02 p.m.?

12 A "Hi. I'm heading over now should be there around 12:30."

13 Q "Okay" says the defendant. And how do you respond?

14 A "Here."

15 Q And then the defendant responds "five min." Here
16 outside. And how do you respond?

17 A "K."

18 Q What, if anything, happened after you wrote K at 12:34
19 p.m. on September 21, 2018?

20 A I met with the defendant outside of the Starbucks that
21 was referenced in those messages.

22 MS. KASSNER: If we could show just the witness
23 what's been previously marked at Government Exhibit 305.

24 (Exhibit published to witness only.)

25 Q Do you recognize the area shown in Government Exhibit

0'Kain - direct - Kassner

294

1 305?

2 A I do.

3 Q What is that area?

4 A That's an aerial view of the area where the Starbucks is
5 that was referenced in that chat.

6 MS. KASSNER: Your Honor, the Government would move
7 to admit Government Exhibit 305 into evidence and publish it
8 to the jury.

9 THE COURT: Any objection?

10 MR. SINGER: No, Your Honor.

11 THE COURT: 305 is admitted.

12 (Government Exhibit 305 received in evidence.)

13 THE COURT: And you may publish.

14 (Exhibit published.)

15 BY MS. KASSNER:

16 Q Using Government Exhibit 305 can you note for the jury
17 where you met the defendant on September 21, 2018?

18 A On the street directly in front of where that red pin is.

19 Q Are you generally familiar with the neighborhood around
20 the Starbucks at 4609 Queens Boulevard in Sunnyside, Queens?

21 A I am, yes.

22 Q Can you describe the area for the jury?

23 A Yeah, it's a neighborhood in Queens so a lot of -- a lot
24 of vehicle traffic, no skyscrapers like there are in
25 Manhattan. There are a lot of shops lining the streets,

1 relatively busy.

2 Q Were any other DEA agents present during that transaction
3 in the vicinity?

4 A Yes, there were agents, surveillance agents, around just
5 like the previous time.

6 Q Was the transaction recorded?

7 A This one it was not. We attempted to but the recording
8 cut out immediately as I got to the defendant's vehicle.

9 MS. KASSNER: Permission, Your Honor, to play
10 Government Exhibit 802 from timestamp 11 to the finish for the
11 jury?

12 THE COURT: Yes, you may. Are you going to refer
13 them to the --

14 MS. KASSNER: Yes, Your Honor.

15 BY MS. KASSNER:

16 Q There's another tab in the binder which is marked 802
17 with an R at the top.

18 THE COURT: Before you start the video --

19 Ladies and gentlemen, I also wanted to advise you
20 that the transcripts that you're reviewing along with
21 listening to the audio are merely aids to your listening. In
22 other words, it's your hearing of what happens on the audio
23 what governs here, not what's transcribed.

24 A If there's some difference between them, remember it's
25 your hearing of the audio that matters; not so much the

0'Kain - direct - Kassner

296

1 transcript. Along the same lines, I want you to know that the
2 transcripts themselves, because they're only aids to your
3 listening and not evidence, will not be sent back with you to
4 the jury room for your deliberations, but the audio will be
5 available to you. So just keep that in mind. Go ahead.

6 (Audio played/audio paused.)

7 BY MS. KASSNER:

8 Q So, you mentioned earlier that the audio equipment
9 failed. Can you explain -- is that something that's happened
10 in your experience at the DEA?

11 A Yeah. I mean, it doesn't happen all the time but it does
12 happen. So that it wasn't too abnormal. It was unfortunate,
13 but that has happened before.

14 Q Can you explain to the jury what, if anything, happened
15 during your meeting with the defendant on September 21, 2018
16 right after the recording cut out?

17 A Yes, the defendant and I -- we negotiated or conducted a
18 Bitcoin-for-cash exchange that was very similar to the process
19 that I described before from the first one. So, I exchanged
20 Bitcoin and received cash.

21 MS. KASSNER: Permission to publish what's been
22 previously admitted as Government Exhibit 1 for the jury.

23 THE COURT: Yes, you may.

24 (Exhibit published.)

25 Q What is Government Exhibit 1?

0'Kain - direct - Kassner

297

1 A This is a photograph of the receipt regarding that
2 transaction from our cryptocurrency wallet.

3 Q How much Bitcoin did you transfer to the defendant on
4 September 21, 2018?

5 A 1.096872021 Bitcoin.

6 MS. KASSNER: Permission to publish what's been
7 previously admitted as Government Exhibit 602 for the jury?

8 THE COURT: Yes.

9 (Exhibit published.)

10 BY MS. KASSNER:

11 Q What is Government Exhibit 602?

12 A I believe that's the cash that I received from that
13 transaction.

14 Q What did you do with the cash after you received it from
15 the defendant?

16 A We took it to the DEA's high-value custodian team. I
17 cannot recall what that unit actually is called, but it's the
18 entity at the DEA that handles the seized money and the
19 high-value items.

20 Q And is that what you did with all of the cash that you
21 received from the defendant in 2018 and 2019?

22 A That's correct.

23 Q Did you have any further dealings with the defendant
24 after this date?

25 A I did.

0'Kain - direct - Kassner

298

1 MS. KASSNER: If we could pull up what's been
2 previously admitted as Government Exhibit 503.

3 (Exhibit published.)

4 Q Beginning with the messages on Monday, November 26, 2018
5 at 1:03 p.m. can you read your messages into the record which
6 are the light gray messages on the right and then I will read
7 the defendant's messages into the record which are the dark
8 gray bubbles to the left.

9 A "Hey man. It's been a while are you around this week?

10 Q Hi, yes, how much you selling?

11 A About 60K.

12 Q When?

13 A Tomorrow.

14 Q Let me try and make fund ready.

15 A Okay. When will you know?"

16 Q What does 60K refer to here?

17 A That's \$60,000.

18 Q If we can continue on to page two and I'll continue
19 reading the defendant's messages.

20 (Exhibit published.)

21 Q "Will text you. Cash from bank started to be a problem
22 but I can get.

23 A Okay. "

24 Q And if we can continue on to page three, in the middle of
25 the page on Tuesday November 27, 2018, you write: "Hey, you

0'Kain - direct - Kassner

299

1 still good today?"

2 What are you referring to there?

3 A The -- meaning that, the meeting that we were starting to
4 establish.

5 Q And turning to the next page, page four. In the middle
6 of the page you say: "Hey, I'm here. I'm at the Wendy's near
7 where we met last time."

8 Where were you when you wrote this message?

9 A I was somewhere near, if not in the parking lot of the
10 Wendy's. I believe I was in the parking lot in another
11 agent's vehicle. And the -- it was across the street and
12 adjacent from the Starbucks where we met the previous time.

13 Q What, if anything, happened after you wrote -- you wrote
14 this message and then later at 1:45 p.m. said, "Yeah," on
15 November 27th?

16 A Well, I met up with the defendant in the parking lot of
17 the Wendy's.

18 MS. KASSNER: If we can pull up what's previously
19 been admitted into evidence as Government Exhibit 305 for the
20 jury.

21 (Exhibit published.)

22 Q Using Government Exhibit 305, can you note for the jury
23 where you met the defendant on November 27, 2018?

24 A If you can see that blue pin, that's the Wendy's and I
25 was in the parking lot near the Wendy's -- the parking lot of

O'Kain - direct - Kassner

300

1 the Wendy's. That's where we met.

2 Q Were any other members of the DEA present for the
3 transaction?

4 A Yes, I had the DEA surveillance team out.

5 Q Was the transaction recorded?

6 A Yes.

7 Q So I'm going to turn in the binder to the next tab
8 labeled 803R.

9 MS. KASSNER: And permission to play portions of
10 Government Exhibit 803 to the jury starting at 11 -- timestamp
11 11 to 11:20?

12 THE COURT: All right.

13 (Audio played/audio paused.)

14 Q The defendant here says --

15 First of all, where were you during the portion of
16 the recording that we just listened to?

17 A I just got out of the vehicle that I arrived at the
18 parking lot in and we were sitting outside in the parking lot.

19 Q The defendant here says, "The black -- the black window
20 scares me." What did you understand him to be talking about
21 there?

22 A I understood that he was referring the window tint from
23 the vehicle that I got out of and that was an unmarked
24 government vehicle. It had very dark tints on the windows.

25 Q Generally speaking, do law enforcement agents -- do their

O'Kain - direct - Kassner

301

1 cars typically have black tinted windows?

2 A Yeah.

3 MS. KASSNER: And if we can continue listening
4 beginning at timestamp 13:52 until timestamp 14:25.

5 (Audio played/audio paused.)

6 Q So here the defendant says, "I can give you some more
7 tomorrow because bank is getting pissed. When you withdraw
8 too much they get pissed." What do you understand him to be
9 talking about there?

10 A I understood that he wasn't buying that he was taking the
11 money out of the bank and he was withdrawing more than the
12 bank would allow him.

13 Q And there's a sound at the end of the recording. What is
14 that sound?

15 A That was the money counter. So the kind of shuffling of
16 paper there's beeping and shuffling of paper. That's the
17 money counter.

18 Q What's happening when you're having this conversation
19 with the defendant?

20 A The defendant is putting money into the money counter and
21 running it through in an attempt to count the money.

22 Q And where are you and the defendant both situated at this
23 time?

24 A I believe we're in the back of his black Mercedes sedan.

25 Q Are the doors open or closed?

0'Kain - direct - Kassner

302

1 A Closed.

2 MS. KASSNER: If we can continue playing at
3 timestamp 18:53 until 21:42.

4 (Audio played/audio paused.)

5 Q Could you explain to the jury what's going on during the
6 section of the audio we just listened to?

7 A So, the defendant and I are at the beginning of that
8 segment of the recording trying to determine how much cash
9 he's going to give me for the amount of Bitcoin that I have.
10 So, then we move into discussing the fee again and I tried to
11 negotiate a smaller fee and we ultimately land on a 7 percent
12 fee for that transaction.

13 MS. KASSNER: If we can continue playing from
14 timestamp 23:45 to timestamp 25:45.

15 (Audio played/audio paused.)

16 Q So, in this section, you say, "I have Bitcoin coming in
17 and I turn it into cash as soon as possible." And you also
18 mentioned that your business, quote, is picking up again. Why
19 do you say these things?

20 MR. SINGER: Objection, Your Honor.

21 A The point of me saying that was --

22 THE COURT: Overruled.

23 A -- to get the conversation going about where the money is
24 coming from to get the defendant start asking more questions
25 and also to -- you know, steps to unfold the story, my cover

1 story, of being an online drug dealer.

2 Q You also say, "I have to pay people. They want it in
3 cash." Why do you say that?

4 A In my experience when I was a DEA agent oftentimes when
5 people would sell drugs, they had people to pay for those
6 drugs. So oftentimes they would get them on consignment and
7 once they sold their share, they would have to pay their
8 suppliers back and that's with cash. So it's part of the
9 cover story that I was using.

10 Q You also say, "In a week or two, you will have 100 to
11 do." What do you mean by that?

12 A I was letting the defendant know I would have \$100,000 of
13 Bitcoin to exchange.

14 MS. KASSNER: If we could continue playing from
15 timestamp 27:45 to 29:25.

16 (Audio played; audio paused.)

17 (Continued on the following page.)

18

19

20

21

22

23

24

25

Patrick O'Kain - Direct - Ms. Kassner

304

1 BY MS. KASSNER: (Continuing.)

2

3 Q So in the beginning, the defendant says, Okay. Now, I
4 trust you. The first, I came, I said how the hell do you know
5 if the cops come out of fucking black. I said, Ops.

6 What did you understand him to be talking about
7 there?

8 A I understood that he was referencing the tinted windows
9 again where he said that he was scared because of the black
10 tints. So when he says, he didn't -- you don't know if the
11 cops come out. It suggested to me that he was aware that
12 there could be potential cops. That I might have been a cop
13 or undercover or there are undercovers in the area.

14 Q The defendant also says, My partner is in judgment. They
15 caught him 50K.

16 What did you understand that to mean?

17 A I understood that he was telling me that his partner --
18 and I understood "partner" to mean somebody else he's doing
19 this with that also transacts Bitcoin or cryptocurrency for
20 cash got caught doing a transaction. And 50K, \$50,000 worth.

21 Q Then the defendant says, Because they follow these guys
22 almost always. And one of the idiots sold their bot from him.
23 So when they tracked him, the drug guy, the cop said, bingo we
24 caught somebody else.

25 What did you understand that to mean?

Patrick O'Kain - Direct - Ms. Kassner

305

1 A So the defendant said that -- before that, they said they
2 weren't tracking for Bitcoins, they were tracking some idiot
3 guy who buys and sells drugs. So it is a continuation of the
4 story he's telling me about his partner. The story goes that
5 the law enforcement was following a drug dealer and his
6 partner conducted a transaction with that drug dealer. And
7 moving forward, while the cops weren't looking at his partner,
8 they came across his partner during that transaction that he
9 was doing with the drug dealer and the defendant said, Bingo.
10 We caught somebody else. I believe that was in reference to,
11 not only did the law enforcement catch the drug dealer, but
12 they also caught the individual that was laundering that
13 money.

14 Q You don't think they're looking at you; do you?

15 And the defendant responds, No. I don't think
16 its -- I mean, it's not a crazy big amount.

17 What did you understand that to mean?

18 A I understood that the defendant believed that if he was
19 not transacting large amounts then law enforcement would not
20 be looking at him.

21 Q You say, Either way, I don't want them around.

22 Why did he say that?

23 A That's just part of my cover story and letting him know
24 that I don't want cops around. You know, because my cover
25 story is I'm a drug dealer. Just another thing I can say to

Patrick O'Kain - Direct - Ms. Kassner

306

1 let him know that my side of what we're doing in this was not
2 legitimate.

3 MS. KASSNER: If we can continue playing from 40:30
4 to 49:42.

5 (Audio recording played.)

6

7 (Audio recording stopped.)

8 Q The defendant tells you in this segment of the recording,
9 but just -- I don't want to count money in Manhattan.
10 Manhattan sucks man.

11 What did you understand that to mean?

12 A Well, the defendant mentioned to me before that he didn't
13 like Manhattan because of the camera and then he referenced
14 the -- so that was the end part of, I think, the first
15 interaction. And then, again, he said there's a camera on
16 top. So he references the cameras again. So at that time, I
17 understood that the defendant was very concerned about getting
18 caught. And at that time, you know, as I'm conducting this
19 investigation, I took that to mean that he was aware that what
20 he was doing was not -- not legal because otherwise he
21 wouldn't be concerned about cameras seeing him.

22 Q And then, you again say or you say, I hope they're not
23 looking at you.

24 Why do you say that?

25 A Again, just to facilitate my cover story.

Patrick O'Kain - Direct - Ms. Kassner

307

1 MS. KASSNER: If we can pull up what was been
2 previously admitted into evidence as Government's Exhibit 2
3 and publish to the jury.

4 (Exhibit published.)

5 Q Do you recognize Government's Exhibit 2?

6 A I do.

7 Q What is it?

8 A That's is photograph of the cryptocurrency wallet
9 transaction receipt from November 27th.

10 THE COURT: Pull the microphone a little lower and
11 speak a little slower.

12 Go ahead.

13 Q How much Bitcoin did you exchange to the defendant or did
14 you transfer to the defendant on November 27, 2018?

15 A 10.65127282.

16 MS. KASSNER: If we could pull up, one at a time,
17 for the jury, what's been previously admitted as Government's
18 Exhibit 607 through 610. So starting with 607 -- actually,
19 starting with 610. My apologies. Right.

20 And then 608, and then 609, finally 607.

21 Q What are Government Exhibit's 607 through 610?

22 A Those are photographs of the cash that the defendant gave
23 during our transactions.

24 MS. KASSNER: And I'm going to pause here.

25 Your Honor, I'm not sure if we are doing a break

Patrick O'Kain - Direct - Ms. Kassner

308

1 today.

2 THE COURT: Actually, why don't we take a break now.

3 We are going to go to 1:00 today, but let's take a
4 10-minute break. Roughly a quarter of. So we can make up
5 some of the lost time. So at a quarter of, let's start again.

6 THE COURTROOM DEPUTY: All rise.

7 THE COURT: And leave your binders on the chair.

8 Don't talk about the case. Just keep an open mind. Let's
9 take a break.

10 (Jury exits the courtroom.)

11 THE COURT: All right. Did you want to break for a
12 particular reason or you are keeping track of the time?

13 MS. KASSNER: I'm keeping track of the time, so I
14 thought this was a good place to stop here.

15 THE COURT: Thank you for reminding me. You have
16 about ten minutes.

17 (A recess was taken.)

18 THE COURT: Back on the record for a quick second
19 here.

20 So Mr. Singer, I know you have a standing objection
21 to the questions and answers of the witness relating to how he
22 interpreted statements by Mr. Goklu during their encounters.
23 I did want to, sort of, explain a little bit more. I do find
24 that it is appropriate for the agent to give his
25 interpretation or view of the conversations because I believe

Patrick O'Kain - Direct - Ms. Kassner

309

1 it provides necessary context to the agent actions to the
2 progress of the investigation to explain what the agent was
3 thinking when he was interacting with the defendant. Because
4 it obviously explains the next steps that were taken and why
5 they continued investigations. Especially, because on the
6 face of it, some of the statements may sound innocuous or
7 maybe even deny any involvement in some forms of illegal
8 activities. In particular, drug trafficking or even
9 interacting with drug traffickers or doing transactions with
10 drug traffickers.

11 So I think it is appropriate for the agent to say
12 this is what I thought he meant because it obviously explains
13 why the agent said some of what he said and did what he did
14 next and certainly why he continued to set up more
15 transactions with the defendant.

16 I also think it's appropriate that this agent gets
17 to testify because he does have some training as an undercover
18 and in particular dealing with individuals who might be
19 engaging in similar conduct since this seem to be his
20 specialty at the time.

21 So those are my reasons, sort of, more fully
22 explained, but you have your objection and a standing
23 objection at that, Mr. Singer, to questions of that sort of.

24 MR. SINGER: All right. Thank you.

25 I do respectfully disagree with the Court's

Patrick O'Kain - Direct - Ms. Kassner

310

1 conclusion there. And so, yes, I do ask to maintain the
2 standing objection so I don't have to keep objecting
3 repeatedly.

4 THE COURT: And I also want to caution both sides
5 and you didn't do this too much. But to avoid speaking
6 objections, to some extent, if there is something that you
7 really want to argue in more detail, let's have a sidebar. So
8 far, I think, Mr. Singer, I think its been fine. Just be
9 mindful of it. Both sides have their arguments about what
10 Mr. Goklu meant. And so, I think it is -- there's minimal
11 harm from allowing the -- or prejudice for allowing the agent
12 to testify about his understanding.

13 THE COURTRoom DEPUTY: All rise.

14 (Jury enters the courtroom.)

15 THE COURT: Please be seated, everyone. Welcome
16 back, Ladies and Gentlemen.

17 We are going to resume with the Agent's testimony.

18 You may inquire.

19 MS. KASSNER: Thank you, Your Honor.

20 BY MS. KASSNER

21 Q Before the break I was asking you about -- questions
22 about a transaction in November 2018.

23 Did you have any further transactions with the
24 defendant after November 2018?

25 A Yes.

Patrick O'Kain - Direct - Ms. Kassner

311

1 MS. KASSNER: If we could pull up and publish to the
2 jury what has been previously admitted as Government's
3 Exhibit 504.

4 THE COURT: All right.

5 (Exhibit published.)

6 MS. KASSNER: And if we can turn to Page 4 of
7 Government's Exhibit 504.

8 Q If you could read your messages on the right-hand side in
9 light gray beginning at 11:25 a.m. and I'll read the messages
10 that the defendant sent on the left-hand side.

11 A Hey, what's your schedule today?

12 Q Until 3:30, Queens. How much you want?

13 A What about tomorrow morning? Where are you going to be
14 after 3:30? I need 20K now.

15 Q Will be in Manhattan after 5:00 p.m.?

16 A Can you do tomorrow morning for like 12:00.

17 Q Okay. Text tomorrow, please.

18 MS. KASSNER: And if you can turn to Page 6 of
19 Government's Exhibit 504.

20 Q At 12:36 p.m., you write, Okay. I'll head to Wendys.
21 And then, at 12:53 p.m. you write, Here.

22 What, if anything, happened after you wrote here at
23 12:53 p.m. on December 11, 2018?

24 A I, again, I met with the defendant.

25 Q And earlier there were messages where you discussed

Patrick O'Kain - Direct - Ms. Kassner

312

1 meeting in Manhattan.

2 Did you end up meeting in Manhattan?

3 A I don't believe so.

4 MS. KASSNER: If we can pull up Government's
5 Exhibit 305, which has been previously admitted to the jury.

6 Q Using Government's Exhibit 305, can you point out to the
7 jury where you met the defendant on December 11, 2018?

8 A We met in the parking lot of the Wendys. And the Wendys
9 is the blue pin.

10 Q Were any of the members of the DEA present for that
11 transaction?

12 A Yes, the DEA surveillance team was up.

13 Q Was the transactions recorded?

14 A Yes.

15 MS. KASSNER: Permission to play portions of what
16 has been previously admitted as Government's Exhibit 804 to
17 the jury and I'm also going to turn in the binder to the
18 section marked 804 Exhibit R on top of the transcript.

19 And if you can start at timestamp 10:00 and play
20 until 11:06.

21 (Audio recording played.)

22 (Audio recording stopped.)

23 Q Where are you and the defendant situated during this
24 portion of the recording?

25 A We're in the defendant's vehicle, the black Mercedes.

Patrick O'Kain - Direct - Ms. Kassner

313

1 Q And what's going on here?

2 A We're getting ready to make a Bitcoin for cash
3 transaction.

4 Q You say, I've got about 19,600, so 5.16.

5 What does that mean?

6 A 19,600 is the approximate dollar amount of the Bitcoin
7 that I had, which was 5.16, et cetera.

8 MS. KASSNER: And if we can play starting at
9 timestamp 12:10 to timestamp 13:26.

10 (Audio recording played.)

11 (Audio recording stopped.)

12 Q What is going on while you and the defendant is having
13 the conversation?

14 A The defendant is trying to calculate the amount of cash
15 to give me for the amount of Bitcoin that I have less the fee
16 he's taking out. There was a little confusion on the -- how
17 much Bitcoin I had, so that's why we had -- there was a little
18 confusion over the exact amount of Bitcoin that I had at the
19 time. So that's why we went back and forth several times.

20 THE COURT: Again, remember to pull the microphone
21 close to you.

22 Go ahead.

23 MS. KASSNER: If we can continue playing starting at
24 14:05 to timestamp 14:50.

25 (Audio recording played.)

Patrick O'Kain - Direct - Ms. Kassner

314

1 (Audio recording stopped.)

2 Q So you say here, The last week I needed to get the rest
3 of the 20. I had to go out to California to explain why I
4 didn't have their 20 grand?

5 THE COURT: You have to read a little slower.

6 MS. KASSNER: Understood, Your Honor.

7 So I'll pause here.

8 Q Why did you say that?

9 A That was part of my cover story. I was opening up on,
10 you know, where the money that I was getting and where the
11 money needed to go to. Starting to plant seeds for that
12 hoping that the defendant would kind of ask more questions
13 about why I needed to take cash to California, et cetera.

14 Q Did the defendant ask more questions?

15 A No.

16 MS. KASSNER: If we could continue playing at times
17 tamp 19:30 to timestamp 21:24.

18 (Audio recording played.)

19 (Audio recording stopped.)

20 Q So in this segment, you say -- you talk about having "A
21 lot of people to say pay." You say, they are not great
22 people. But I'm going to have a lot of money coming in after
23 the New Year. A hundred grand, can you do that?

24 What are you saying here essentially.

25 A I mean, talking more about what I'm doing, where the

Patrick O'Kain - Direct - Ms. Kassner

315

1 money is going and coming from, and I tell him directly that
2 the people I have to pay are not good people. Letting him
3 know that the -- my attempt was letting him know that the
4 money was -- that I was involved in something not good.
5 Something that was concerning. So, you know, a lot of that
6 was to, you know, unfold the cover story about me being a
7 online drug dealer. And also, a large part of this was
8 hinting at that this was -- I'm not doing something legitimate
9 and he is transacting with someone that is not doing something
10 legitimate and getting him to start asking, but those
11 questions -- he never really asked any questions about it.
12 And moving onto a hundred grand, I told him that business was
13 going great and I should have \$100,000 worth of Bitcoin in the
14 New Years -- after the New Years.

15 Q Did the defendant also mention Bitfinex.

16 Are you familiar with Bitfinex?

17 A My --

18 THE COURT: Can I stop you for one second.

19 First of all, B-I-T --

20 THE WITNESS: F-I-N-E-X.

21 THE COURT: -- F-I-N-E-X. Okay.

22 Go back to what you just said a moment ago.

23 A Yeah. So Bitfinex, I'm familiar that it is a
24 cryptocurrency exchange, but beyond that, I'm not sure where
25 it's domiciled, but it is a cryptocurrency exchange.

Patrick O'Kain - Direct - Ms. Kassner

316

1 MS. KASSNER: If we can continue playing starting at
2 timestamp 24:40 to timestamp 25:45.

3 (Audio recording played.)

4 (Audio recording stopped.)

5 MS. KASSNER: We can actually keep playing.

6 (Audio playing).

7 Audio stopped).

8 Q So earlier in the segment you say, That you will be
9 getting a hundred either next week or the week after. And
10 then you explain, It's like depending on how much we sell, you
11 know.

12 What do you mean by that?

13 A Well, first I told the defendant that I have \$100,000
14 worth of Bitcoin to exchange with him shortly. And then, when
15 I said, it depends on how much we sell. Again, that's the
16 trying to get the defendant to say, well, what are you selling
17 to have \$100,000?

18 Q And then, the defendant later says, If you want, I have
19 another 50. And then, he says, no. No. No. Hold on.
20 Another 20, 25.

21 What did you understand that to mean?

22 A The defendant had an extra \$25,000 cash at that moment
23 that he could exchange with me in addition to what we already
24 agreed upon.

25 Q And then, the defendant says, NYPD use people like this.

Patrick O'Kain - Direct - Ms. Kassner

317

1 In Manhattan that, this is the way, I don't go fucking
2 Manhattan. Even a homeless, I saw. He's working for NYPD.

3 Can you explain what's --

4 THE COURT: Yeah. Pause.

5 Go ahead.

6 Q Can you explain what's going on when the defendant makes
7 that statement?

8 A Yes. At that time, there were two individuals -- I
9 believe there were two individuals that walked through the
10 parking lot behind the defendant's vehicle and I guess they
11 were wearing raggedy clothes and appeared to be homeless. And
12 the defendant noticed them and then told me a story saying,
13 the NYPD, New York Police Department, uses people like that.
14 Uses homeless people. And I understood that to mean, he
15 believes that the law enforcement will used homeless people to
16 conduct surveillance or try to identify people doing illegal
17 things. So my -- I guess to -- my frame of mind at the time
18 when he's saying that, it's again, referencing police,
19 referencing -- implying that he doesn't want to be caught.
20 The way I interrupted that, that the defendant understood we
21 were doing was warranted potential law enforcement attention.

22 MS. KASSNER: If we can continue playing from
23 timestamp 26:30 to 27:40.

24 (Audio recording played.)

25 (Audio recording stopped.)

Patrick O'Kain - Direct - Ms. Kassner

318

1 Q So during the first portion of this recorded segment, who
2 are you speaking to?

3 A So that was right after the defendant asked if I wanted
4 another 20, 25 grand. So I made an actual call to special
5 agent -- former Special Agent Liefke, so we spoke. While
6 Allan was not typically acting in an undercover capacity for
7 this case, during that specific call he was. So in that
8 moment, I was pretending as if Allan was my business partner
9 in this online drug business. So I made this phone call to
10 him and asked him if we wanted the other money that the
11 defendant was offering us.

12 Q Where is the defendant during your call with Special
13 Agent Liefke?

14 A Right beside me in the vehicle.

15 Q Was the call made so that he could hear and understand
16 what you were saying?

17 A I made the call so he could hear at least what I was
18 saying to Allan.

19 Q During your call to Special Agent Liefke, you
20 referenced -- you say, I don't know if it make sense or we
21 just do it when we sell the other three keys.

22 What does keys mean?

23 A So keys, that's a short for kilogram and that's very
24 common terminology for when you're selling drugs. A kilogram
25 for cocaine or heroin, what -- you call that a key. You

Patrick O'Kain - Direct - Ms. Kassner

319

1 wouldn't necessarily reference the drug, but you would say,
2 Hey, I have a key. I want to sell a key. So that's why I
3 specifically said keys in front of the defendant. And yeah,
4 keys are just -- like I said earlier, drug dealers don't
5 typically ever mention the actual name of the drug when
6 they're making transactions, so keys was kind of a normal
7 thing that a drug dealer would say.

8 Q And at the end of the recording you could sort of hear
9 certain things slamming.

10 Where are you going at the end of the recording?

11 | A I don't recall.

12 Q Well, I guess I'll say that you say, Bye, dude. I'll see
13 you next time.

14 What happened after you said I'll see you next time?

15 A I believe I got out of the vehicle. We didn't have any
16 more interaction at that specific time.

17 MS. KASSNER: If we can pull up what has been
18 previously admitted as Government's Exhibit 3 and publish it
19 to the jury.

20 THE COURT: All right.

21 (Exhibit published.)

22 Q Do you recognize Government's Exhibit 3?

23 A I do. This is, again, the photograph of the
24 cryptocurrency wallet transaction receipt.

25 Q In total, how much did you transfer to the defendant on

Patrick O'Kain - Direct - Ms. Kassner

320

1 December 11, 2018?

2 A 5.86191089 Bitcoin.

3 MS. KASSNER: Permission to publish what has been
4 previously admitted as Government's Exhibit 611 to the jury.

5 THE COURT: Go right ahead.

6 (Exhibit published.)

7 Q Do you recognize Government's Exhibit 611?

8 A Yes. That is cash that I received from the defendant.

9 Q Did you have any further dealings with the defendant
10 after December 11, 2018?

11 A Yes.

12 MS. KASSNER: If we could pull up what has been
13 previously admitted as Government's Exhibit 505 and publish it
14 to the jury and turn it Page 2.

15 Q So beginning on January 23, 2019, could you read your
16 messages in the light gray on the right into the record and
17 I'll read the defendant's messages in the dark gray to the
18 left?

19 A Sure.

20 When did you want me to start?

21 Q At 12:55 p.m. on January 23rd in the middle?

22 A Okay. Hey, tomorrow at 1:00 work for you?

23 Q Hi there. How much?

24 A Hey, 100 still.

25 Q Oh, was blocking chat history to find you dude. I got

Patrick O'Kain - Direct - Ms. Kassner

321

1 big last week via gold deal rate. Sorry, I can't handle.

2 MS. KASSNER: And if we can continue onto the next
3 page, which is Page 3 of the exhibit. If you could continue
4 reading your messages.

5 A What?

6 Q Tried to contact you, but couldn't find chat history.

7 So when the defendant says that tried to contact you
8 but couldn't find chat history, what did you understand that
9 to mean?

10 A Yeah. Tough to say. I think one of options that came to
11 mind was he deleted our chat history before so he couldn't
12 find the contact and that's why he was -- I think he was
13 uncertain. He said he couldn't find where I was, so -- but
14 tough to tell.

15 MS. KASSNER: If we can continue onto Page 4.

16 Q Here you ask, What happened to you being able to do 100
17 every other week?

18 And the defendant responds, someone offer a big BTC
19 with percent ten. I get all amount full of BTC, no cash.

20 What did you understand this discussion to mean?

21 A So the defendant, instead of committing the \$100,000
22 transaction with me, he told me that he found someone with a
23 better offer. He made the transaction with another individual
24 and it was for a 10 percent fee. So he gave all of his cash
25 to this individual for Bitcoin, so now the defendant only had

Patrick O'Kain - Direct - Ms. Kassner

322

1 Bitcoin.

2 MS. KASSNER: If we could continue onto Page 5.

3 Q At the bottom of Page 5 of Government's Exhibit 505, the
4 defendant says at 3:06p.m., I have 25K today, but really don't
5 know for future in and outs. I have 8 percent guy ready.
6 Will give him if you don't want it.

7 What did you understand that to mean?

8 A I understood that the defendant had \$25,000 worth of cash
9 at this time and he also was able -- he was potentially able
10 to transact with that \$25,000 with another individual that
11 could offer him 8 percent in fees.

12 MS. KASSNER: If we can continue onto Page 8 of
13 Government's Exhibit 505.

14 Q At the top you say, I'll do the 25K. You sure that's all
15 you can get today? Can you do at least 50 or LWAST 50.

16 And defendant responds, No, sorry. Max today 25K.

17 What did you understand that to mean?

18 A I asked the defendant if he could do \$50,000. If he
19 could transact with \$50,000. He said, no. That he only had
20 \$25,000.

21 MS. KASSNER: And turning to Page 10 of Government's
22 Exhibit 505.

23 Q At 2:13 p.m. you write, pulling in. And then, 2:19 you
24 write behind you.

25 And then, the defendant responds, okay.

Patrick O'Kain - Direct - Ms. Kassner

323

1 What happens, if anything, right after you wrote
2 behind you at 2:19 p.m. on January 24, 2019?

3 A I meet up with the defendant again.

4 MS. KASSNER: If we could pull up what has been
5 previously admitted Government's Exhibit 305.

6 Q Using Government's Exhibit 305, can you point out to the
7 jury where you met the defendant on January 24, 2018?

8 A At the Wendys in the blue pin.

9 Q Were other members of the DEA in the vicinity for the
10 transaction?

11 A Yes. The DEA surveillance team was present.

12 Q Was the transaction audio recorded?

13 A Yes.

14 MS. KASSNER: Permission to play portions of
15 Government's Exhibit 806, which has been admitted into
16 evidence for the jury.

17 THE COURT: You may.

18 MS. KASSNER: And I'm going to turn to the tap 806R
19 in the transcript to correspond what we're playing.

20 THE COURT: Just remember to read slowly if you're
21 reading parts to the Agent.

22 MS. KASSNER: Noted, Your Honor.

23 Thank you.

24 If we can start at timestamp 08:52 and play until
25 timestamp 10:55.

Patrick O'Kain - Direct - Ms. Kassner

324

1 (Audio recording played.)

2 (Audio recording stopped.)

3 Q What's happening during the portion of the audio
4 recording that we just listened to?

5 A We start to make a Bitcoin for currency transaction. We
6 talk about why the defendant didn't have the \$100,000 that we
7 previously agreed upon.

8 Q The defendant says, Scary man. It's every time. This
9 place is not good. Every time someone here. Too fucking four
10 black tinted cars there.

11 What did you understand him to be saying here?

12 A The defendant was -- I guess he noticed two cars with
13 dark tinted windows and he was calling them out to me. I'm
14 actually not sure whether they were surveillance cars or just
15 generally car with black tinted windows. I can't say. Again,
16 at the time, I noted that again the defendant was cognizant
17 about the potential for law enforcement to be there and
18 showing concern about it. He said this place was no good
19 because he assumed that there were potentially law enforcement
20 vehicles in the area.

21

22 (Continued on the following page.)

23

24

25

1 BY MS. KASSNER: (Continuing.)

2 Q The defendant also says towards the end of the segment,
3 "Most finks become trouble. They keep calling, hey, where is
4 the money coming from?"

5 What did you understand him to be saying here?

6 A I guess he was implying to me that the banks were giving
7 him a hard time and asking him where he was getting his money
8 and that was causing problems for him.

9 MS. KASSNER: If we can continue playing at
10 timestamp 19:55 to 20:36.

11 (Audio played/audio paused.)

12 Q The defendant here says he has money in Turkey. If I
13 withdraw that it's going to take two or three days at least.

14 What do you understand him to be saying here?

15 A I understood that the defendant was telling me he had
16 funds in Turkey. I'm not sure where, if it was a bank or
17 whatnot, but if he wanted to try to withdraw that to use for
18 our transactions, it would take some time.

19 MS. KASSNER: If we can play timestamp 21:26 to
20 21:52.

21 (Audio played/audio paused.)

22 Q You say here, "These college kids cannot get enough."
23 Why do you say that?

24 A I was bringing that up because I was saying we, meaning
25 me and my undercover group in this role that I was playing, we

1 were selling a lot, making a ton of money. I was saying these
2 college kids cannot get enough. I didn't specify what, but
3 the intent of that was to let him know that I'm selling
4 something to college kids and opening the door because at this
5 time we've exchanged quite a bit of money, tens, if not
6 100,000 at this point, and getting him to ask what are you
7 selling, and what can't the college kids get enough of. That
8 was my intent in saying, "These college kids cannot get
9 enough."

10 THE COURT: All right.

11 MS. KASSNER: If we can continue playing from
12 timestamp 22:15 through 23:25.

13 (Audio played/audio paused.)

14 Q So at the beginning of the section we just listened to
15 the defendant says, "Actually I'm exposing myself" and later
16 he says, "I'm visible right now. If something goes wrong,
17 they can catch your history and say, hey, let me see your
18 wallet."

19 What did you understand him to be saying here?

20 A I understood that he was implying it's something that he
21 was doing on the phone. If law enforcement saw it, they would
22 be able to tell that that was his wallet. I think -- this was
23 quite a long time ago, but I think if you search a wallet
24 address in the browser, that would be in your search history
25 and if the defendant was searching a specific wallet address

1 that would show up in the search history and that would be
2 easy for law enforcement to say you searched this address that
3 must be your wallet so that's how I think I interpreted it.

4 Q Later the defendant said, "Nothing would happen. They
5 would seize your money. It's happened to one guy I know."
6 And you respond, "Yeah, yeah, you told me that."

7 What are you two talking about here?

8 A So, continuing the conversation about being exposed, the
9 defendant -- why he was concerned was if something went wrong
10 and when I asked, what would go wrong, he told me that it
11 could be seized so at that time it was another indicator that
12 the defendant was fully aware that what he was doing was not
13 legal and that money could be seized by law enforcement. And
14 then he referenced a person that he knew that had money seized
15 and I assumed he was referring to his business partner or
16 partner from one of the previous interactions that we had.

17 Q You say, "Well, if I get seized with this, I'm going to
18 get my fucking head chopped off or something."

19 Why do you say that?

20 A Again, just part of my cover story; letting the defendant
21 know that the people that I was interacting with were not good
22 people; in fact, people that could potentially kill me if I
23 did not pay them their money.

24 Q And why did you do that?

25 A Well, I mean, it's part of the cover. I was posing as an

1 online drug dealer and I was letting him -- letting the
2 defendant know that all of these things that I'm telling him
3 and doing with this money are coming from not great places and
4 it was just another part of my story to let the defendant know
5 that, hey, this money and what we're doing here, this is not
6 coming from a legitimate place.

7 MS. KASSNER: If we could play from timestamp 23:55
8 to 24:10.

9 (Audio played/audio paused.)

10 Q Why did you say that you definitely want to keep this
11 under the table?

12 A I say that to let the defendant know that I'm concerned
13 about my privacy in transacting this money. So I don't want
14 anyone to be alerted of this. So keeping it under the table,
15 meaning this is -- what I'm doing needs to stay secret.

16 MS. KASSNER: If we could play from timestamp 25:35
17 to 26 minutes.

18 (Audio played/audio paused.)

19 Q What are you and the defendant discussing here?

20 A I asked him where -- who he gave the \$100,000 that he and
21 I previously agreed to transact, I asked him who that went to
22 and, you know, partly to keep the conversation going but also
23 to hopefully get identifying information for another potential
24 individual that was conducting illegal transactions that the
25 DEA could then pivot or extend the investigation to rather.

1 MS. KASSNER: If we could play from timestamp 30:55
2 to 32:15.

3 (Audio played/audio paused.)

4 Q Here you say, "I'm not touching the Coinbase. I can't
5 touch the Coinbase." Why do you say that?

6 A Coinbase is a commercial exchange. It has licenses to
7 operate and do business and reporting requirements and it's
8 pretty common knowledge that Coinbase is a legitimate
9 business. So when I tell the defendant that I'm not touching
10 Coinbase, I can't touch Coinbase, that's reiterating the fact
11 that this needs to stay anonymous so I can't interact with a
12 legitimate cryptocurrency exchange.

13 Q The defendant tells you, "I mean, don't pass \$100,000
14 toward the Coinbase. They're not going to question you. But
15 one person, one year, no more than 99, they're not going to
16 question you."

17 What did you understand that to mean?

18 A I understood that the defendant believed if you
19 transacted up to \$99,000 on Coinbase, they would not -- you
20 would not draw attention to yourself, but if you went over
21 \$100,000, then the people at Coinbase would become alerted to
22 what you're doing and to a higher volume and then they would
23 start asking questions. So that's how I interpreted that
24 statement.

25 MS. KASSNER: If we could play from 31 -- excuse me

0'Kain - direct - Kassner

330

1 41:35 to timestamp 43:30.

2 (Audio played/audio paused.)

3 Q Can you explain for the jury what you and the defendant
4 are discussing here?

5 A We start discussing actually where I'm getting the money
6 from for the first time. So, at the beginning of this segment
7 talking about those, those little ones, that's in reference to
8 marijuana -- I don't think part of that conversation was in
9 this segment, but the defendant and I -- he mentioned that he
10 did a transaction with somebody that was selling marijuana.

11 So that's when I started to get more comfortable in
12 talking about -- being more explicit in the drug discussions.
13 So this conversation was coming off of that. So the little
14 ones and all of that is in reference to marijuana. And then
15 moving forward -- actually, I'll pause there. Does that
16 answer part of your question?

17 Q Sure, I can follow up with additional questions.

18 A Okay.

19 Q So, what do you tell the defendant about your business?

20 A I tell him that I sell oxycodone and Adderall.

21 Q What is oxycodone?

22 A Oxycodone is an opiate. It's a controlled substance. It
23 is a prescription medication that is only allowed to be sold
24 by a licensed -- well, prescribed by a licensed physician and
25 sold by a licensed pharmacist to somebody that has a valid

1 prescription for it.

2 But it is -- oxycodone and also Adderall are
3 common -- while there are prescription medications they are
4 common recreational street drugs and sold illegally and
5 they're often sold online. So a lot of the marketplaces that
6 sells -- the illegal marketplaces that sell illegal drugs
7 online, a lot of a portion of their sales are in Adderall,
8 oxycodone and prescription medications like that.

9 Q Does the DEA investigate people who are involved in the
10 illegal sale of oxycodone?

11 A Yes, they do.

12 Q You also mentioned -- well, when you say, "I got that. I
13 can get you some oxys if you like that shit." The defendant
14 says, "What's oxys?" You say, "It's, like, oxycodone, that
15 stuff." And the defendant responds, "Don't bring those. Just
16 bring regular street things."

17 What did you understand him to be saying?

18 A I understood that he didn't want me to bring him any
19 oxys, oxycodones, but he wanted other street drugs and
20 specifically I think he was referring to marijuana in this
21 instance.

22 Q And you say in response, "Oh, like Adderall? That's what
23 all the college kids are taking," and you mentioned Adderall
24 earlier. What is Adderall?

25 A Adderall is a stimulant. It's a prescription drug

O'Kain - direct - Kassner

332

1 prescribed for ADD, ADHD, but, again, it's a controlled
2 substance. You have to have -- physicians have to have a
3 license to prescribe it and it has to be distributed by a
4 licensed pharmacist to those individuals with a valid
5 prescription.

6 Q Does the DEA investigate cases involving the illegal sale
7 of Adderall?

8 A They do.

9 Q And then you say later, "You seriously want that stuff
10 because that's what we do. We do all of that."

11 What do you mean by that?

12 A I said that to -- in the attempt to make it very clear
13 that that was my business, selling illegal drugs.

14 Q After you disclosed to the defendant that you were
15 selling Adderall and oxys, does the defendant finish the
16 transaction?

17 A Yes.

18 Q Does he at any point say that he, for some reason, would
19 refuse to transact money with you?

20 A No.

21 MS. KASSNER: If we could play from timestamp 44:50
22 to 46:38.

23 (Audio played/audio paused.)

24 Q Who were you speaking to during this segment of the
25 recording?

0'Kain - direct - Kassner

333

1 A That was Special Agent Alan Liefke.

2 Q And you asked Special Agent Liefke -- well, did the
3 defendant hear this conversation to the best of your
4 knowledge?

5 A Yes.

6 Q And you ask the other undercover agent, "Can you put him
7 off?" Why do you ask that?

8 A Just sort of, again, playing the role of online drug
9 dealer, putting off the people that we owe, because the
10 defendant was not able to deliver the money at the time he
11 said he said he would. It was part of the color story where I
12 said I needed to pay these bad people.

13 THE COURT: Go a little slower. Enunciate more.
14 That will slow you down.

15 MS. KASSNER: If we could play from 48:51 to
16 timestamp 50:20.

17 (Audio played/audio paused.)

18 Q And what happens during this segment we just listened to?

19 A We sort of talk about the next interaction, the next
20 transaction and the defendant was just talking about the
21 difficulties or what he has to go through to get the cash,
22 whether it's Bitcoin or cash, to make those transactions.

23 MS. KASSNER: If we could pull up just briefly
24 what's previously been admitted as Government Exhibit 4 and
25 publish to the jury.

0'Kain - direct - Kassner

334

1 (Exhibit published.)

2 BY MS. KASSNER:

3 Q According to Government Exhibit 4, in total how much
4 Bitcoin did you send to the defendant on January 24, 2019?

5 A 7.15946367 Bitcoin.

6 MS. KASSNER: If we could pull up what's been
7 previously admitted at Government Exhibit 612.

8 (Exhibit published.)

9 Q What is Government Exhibit 612?

10 A This is a photograph of the cash that I received from the
11 defendant.

12 Q Did you have further dealings with the defendant?

13 A Yes.

14 MS. KASSNER: If we could publish what's been
15 previously admitted as Government Exhibit 506 to the jury?

16 (Exhibit published.)

17 BY MS. KASSNER:

18 Q And if we could turn to page six. On page six of
19 Government Exhibit 506, you write at 3:02 p.m., "Okay, I'm
20 close." And then you later write, "Okay, five minutes."

21 What, if anything, is happening when you're sending
22 these messages?

23 A I was traveling to the next meeting location with the
24 defendant.

25 Q And prior to sending this message about your location,

0'Kain - direct - Kassner

335

1 had you arranged to conduct another transaction with the
2 defendant?

3 A Correct.

4 Q What, if anything, happened after you wrote "five
5 minutes" or "five min"?

6 A I had met up with the defendant.

7 MS. KASSNER: If we could publish for the jury
8 Government Exhibit -- apologies, this hasn't been admitted.

9 If we could show the witness Government Exhibit 301.

10 (Exhibit published to witness only.)

11 Q Do you recognize Government Exhibit 301?

12 A Yes. This is an aerial image of Manhattan right where
13 the defendant and I met on this occasion. Again, very busy
14 area, large skyscrapers, very commercial.

15 MS. KASSNER: If we could -- Your Honor, the
16 Government moves at this time to admit Government Exhibit 301
17 into evidence and publish it for the jury.

18 THE COURT: Any objection?

19 MR. SINGER: No, Your Honor.

20 THE COURT: All right. It's admitted.

21 (Government Exhibit 301 received in evidence.)

22 THE COURT: And you may publish it. Just so you
23 know, we're going to stop after this exhibit is shown because
24 I need to take up an issue with the lawyers before we break
25 for the day.

1 (Exhibit published.)

2 BY MS. KASSNER:

3 Q Could you point out to the jury where either transaction
4 with the defendant occurred on January 30, 2019?

5 A The transaction occurred essentially where that red pin
6 is placed.

7 THE COURT: Thank you very much.

8 Ladies and gentlemen, as I just said we're going to
9 stop a few minutes early. It's about ten of 1. There's a
10 matter I want to take up with the lawyers.

11 So, remember, we're not sitting tomorrow. So the
12 next time you should come back is on Thursday and, as
13 Ms. Gonzalez told you because she is really the power behind
14 the throne here, she said you need to be here by 9 or aim for
15 9 a.m. so that way if there are any unexpected delays, which
16 certainly happens as we discussed, if you ride the subways
17 especially, you'll get here on time. So disregard what I said
18 about being here at 9:30 and listen to Ms. Gonzalez always.

19 Have a wonderful day and a half off. Do not talk
20 about the case with anyone. Don't do any kind of research.
21 Don't send out any messages about the case to anyone. Don't
22 talk to each other about anything involving this case or any
23 of the individuals involved in this case. Just have a
24 wonderful day and a half off and keep an open mind. We'll see
25 you on Thursday.

1 THE COURTROOM DEPUTY: All rise.

2 (Jury exits.)

3 THE COURT: You may step down. The agent is free to
4 go or Mr. Okaying is free to go.

5 So, the issue I wanted to discuss with the parties
6 is about something that occurred at the last break. As you
7 remember, Alternate No. 1 was late this morning because of a
8 problem with the subway. He unfortunately feels so badly
9 about it he's been apologizing profusely to Ms. Gonzalez. In
10 particular, he said to Ms. Gonzalez, but in the presence of
11 the other jurors, that he was sure that I was mad at him and
12 also believed that the defendant was shooting mean looks at
13 him or giving him mean looks about being late. He further
14 made a comment that he was sure the defendant was mad because
15 here he was paying his lawyer \$2,000 an hour and the alternate
16 was late.

17 So those were the comments he made. Now, I will say
18 this; the other jurors, some of whom apparently heard these
19 comments, did try to assure Alternate No. 1 that nobody was
20 mad at him and that certainly I wasn't mad at him and that he
21 should -- the other jurors assured him that no one was mad at
22 him and they knew that it wasn't his fault that he was late.
23 So they seem, and this is based on the conversation as relayed
24 to me and I think Ms. Gonzalez's perception is the jurors
25 think he's a little sensitive and I think perhaps a little

1 less mature, for lack of a better word than other members of
2 the jury. They certainly didn't take seriously his concern
3 about him being late and everyone being mad at him.

4 So what I propose at a minimum right now is bring
5 him out here because, of course -- and I asked Ms. Gonzalez to
6 keep him here for a moment. I want to explain to him that he
7 cannot make any statements about anyone involved in the case
8 or about the case itself in front of the other jurors. I
9 don't think he believed he was violating the general rule of
10 not discussing the case, but, again, I'm not sure about his
11 level of maturity, for lack of a better way to explain it,
12 given how he's interacted even with my chambers.

13 He called, which was a responsible thing to do to
14 let us know he was late, but he has an overdeveloped sense of
15 guilt or something, somewhat childlike is the only way I can
16 describe our perception of him. So I do want to reinforce
17 that with him and also that he shouldn't be speculating about
18 what any lawyer makes in this room and that it's really
19 important that he not make any comments to other jurors at all
20 during the course of this trial.

21 Now, I want you folks -- obviously I wanted to raise
22 it so you folks can consider whether you want me to take any
23 other measures vis-à-vis the rest of the jurors. I
24 certainly -- I personally think especially with the passing of
25 a day or so this will all fade away as something that was just

1 inconsequential blech if you will and I am concerned with
2 raising it with the jurors again because I think it
3 exaggerates or focuses on a nonevent, but consider whether or
4 not you want me to give some general instruction to the jury
5 simply to say, to the extent that you may have heard from
6 other members of the jury any comments about anyone involved
7 in this litigation, or even about how much the lawyers may be
8 making in connection with this lawsuit, you obviously should
9 disregard those and they're completely irrelevant to your
10 consideration. Something very neutral like that, perhaps.
11 But I think the preferred course is just to let it lie because
12 I don't think the jurors are taking any of it seriously, given
13 the source as I mentioned.

14 MR. SINGER: Can I have one brief moment with my
15 client?

16 THE COURT: Certainly. Talk amongst yourselves. I
17 think Ms. Kassner wants to say something.

18 (Pause in proceedings.)

19 MR. SINGER: Judge, I don't think that any
20 discussion with the entire jury is necessary. Obviously I
21 will leave it to your discretion but I don't believe it's
22 necessary and I'm certainly not requesting it. Did I
23 understand that you're going to bring the first alternate out
24 now?

25 THE COURT: Yes, to emphasize with him that he

1 shouldn't be talking to the jurors about anyone involved in
2 the case at all.

3 MR. SINGER: I would ask if you feel comfortable
4 doing this, that you can indicate that defense has discussed
5 this with you and nobody at the defense table has -- is
6 blaming him for anything or has any concerns about it.

7 THE COURT: Absolutely. I will actually say
8 everyone, including the defendant and his lawyers, are not mad
9 at him and we all understand that it was circumstances beyond
10 his control and then just say; just to remind you, you should
11 not be talking with anyone else or in front of any other
12 jurors or with other jurors.

13 MR. SINGER: Or that we discussed it with you, our
14 concern.

15 THE COURT: I will do that. Government, do you
16 agree with that approach to talk to Alternate No. 1 but
17 otherwise not talk about this issue or raise it again with the
18 rest of the jury?

19 MS. KASSNER: Yes, Your Honor. That's fine.

20 THE COURT: We'll do that.

21 (Off the record.)

22 (The alternate juror enters the courtroom.)

23 THE COURT: Don't worry, this is not bad. Have a
24 seat, Juror.

25 I understand this morning that you may have made

1 some comments to Mrs. Gonzalez that were made in front of the
2 rest of the jurors in the jury room and that you were
3 concerned that I or any of the parties or the lawyers or the
4 defendant, for example, might have been mad at you because you
5 were late today.

6 THE ALTERNATE JUROR: It was partially a joke.

7 THE COURT: Okay, good, because I want to assure you
8 and I think I told you this directly when you came out here
9 with the rest of the jury. I certainly am not mad.

10 THE ALTERNATE JUROR: It was out of my control.

11 THE COURT: Exactly.

12 THE ALTERNATE JUROR: I made sure to be earlier and
13 then unfortunately the announcer, the conductor, said that
14 there was all 7 trains -- they were all halted.

15 THE COURT: I understand. And so --

16 THE ALTERNATE JUROR: My first thing to do was, "oh
17 my God, is everyone waiting for me?"

18 THE COURT: Just listen for a moment. You needn't
19 explain anything, trust me. I just wanted to tell you and
20 relieve you of any fear or guilt that you had that anyone
21 is -- was upset with you. We all understood that it was out
22 of your control and specifically, I have talked with the
23 defense attorneys and they have talked with their client. IT
24 he is not at all up set with you at all.

25 THE ALTERNATE JUROR: It was a joke.

0'Kain - direct - Kassner

342

1 THE COURT: It was a joke.

2 THE ALTERNATE JUROR: Yes.

3 THE COURT: I do not want you to think for a moment
4 that the defendant was upset with you and nobody here is. So
5 that's good to know.

6 The other thing is it's important for you not to
7 speculate how much any of lawyers in this room make. And,
8 again, you may have been making a joke but you know that
9 that's irrelevant to your consideration.

10 THE ALTERNATE JUROR: Okay.

11 THE COURT: And the last thing be very mindful of
12 things you say around the other jurors. Now, you were making
13 a joke about your personal situation and feeling, you know,
14 the perception maybe that people were mad at you, but,
15 remember, you shouldn't be talking about any of the parties or
16 anything relating to the case in front of or with your fellow
17 jurors.

18 So I understand that you didn't necessarily think
19 that that is contrary to what I had asked or told you to do,
20 but it does cross the line a bit because you're making jokes
21 about people involved in this case and suggesting maybe
22 certain thoughts they may be having. Just don't do that.
23 Just remember, talk about baseball or the weather --

24 THE ALTERNATE JUROR: Anything except.

25 THE COURT: Anything except what's happening here.

0'Kain - direct - Kassner

343

1 Or anything even related to us. I know it would be easy to
2 make jokes about me or of Ms. Gonzalez, but avoid doing that
3 to your fellow jurors.

4 THE ALTERNATE JUROR: I personally felt very, very
5 bad and I wanted to make light of the situation.

6 THE COURT: Thank you. You are a super, A-plus
7 juror, calling us. We got around the problem and you weren't
8 in any danger at least on a smoking train. You did what you
9 were supposed to do. Don't feel bad at all but just don't
10 about it with anybody else at all, okay.

11 THE ALTERNATE JUROR: I understand.

12 THE COURT: Have a wonderful couple of days. See
13 you on Thursday bright and early. Thank you. And remember to
14 send your bill to our chambers.

15 THE ALTERNATE JUROR: Okay.

16 (Alternate juror exits.)

17 THE COURT: Let me confirm with anyone if there is
18 any objection to what I just did with alternate Juror No. 1.

19 MS. KASSNER: No, Your Honor.

20 THE COURT: I hope your fast goes well. Have a
21 smooth holiday.

22 ALTERNATE JUROR 1: Thank you, Your Honor.

23 MR. SINGER: Judge, you had indicated yesterday that
24 you were hoping to get the charges out to us. Are we any
25 closer to that?

0'Kain - direct - Kassner

344

1 THE COURT: So that's what's going to happen. We'll
2 e-mail them to you later today.

3 MR. SINGER: Thank you.

4 MR. NAVARRO: You're anticipating the charge
5 conference Thursday after the jury leaves?

6 THE COURT: Yes, thank you.

7

8 (Matter adjourned until Thursday, October 6, 2022, 9:30 a.m.)

9

10 - oo0oo -

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

345

INDEX

WITNESS

PAGEEG

PATRICK O'KAIN

CONTINUED DIRECT EXAMINATION BY MS. KASSNER 267

E X H I B I T S

Government Exhibits 501 through 507	270
Government Exhibit 302	274
Government Exhibits 801 through 809	276
Government Exhibits Exhibit 1 through 5 and 7	285
Government Exhibits 602 and 607 through 614	287
Government Exhibit 601	289
Government Exhibit 604	290
Government Exhibit 305	294
Government Exhibit 301	335